

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

AirCell, Inc., and)
Cable & Communications Corporation dba Mid-Rivers Cellular)

Petition for Waiver of the)
Airborne Cellular Rule)

PETITION FOR WAIVER OF THE AIRBORNE CELLULAR RULE

AirCell, Inc. ("AirCell"), and **Cable & Communications Corporation dba Mid-Rivers Cellular**, hereby petition for a waiver of the airborne cellular rule, 47 C.F.R. § 22.925, for call sign KNKR 289, identical to the waivers that were granted to AirCell and other various cellular licensees commencing December 24, 1998, 1/ and affirmed by the full Commission on June 9, 2000. 2/ This petition is filed pursuant to ¶ 25 of the *AirCell*

1/ *AirCell, Inc., Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule*, Order, 14 FCC Rcd 806 (Wireless Tel. Bur. 1998) ("AirCell Waiver Order"), recon. granted in part, denied in part, 14 FCC Rcd 18430 (Wireless Tel. Bur. 1999) ("AirCell Recon. Order"); *AirCell, Inc., Pine Belt Cellular, Inc., Tennessee RSA No. 3 Limited Partnership, WESTEX Telecommunications, Inc., XIT Cellular, ETEX Cellular Co., Cellular Network Partnership, and North Alabama Cellular, LLC*, 14 FCC Rcd 13151 (Wireless Tel. Bureau 1999); *AirCell, Inc., ALLTEL Comms., Inc., Kentucky RSA 4 Cellular General Partnership, and Smith Bagley, Inc. d/b/a Cellular One of Northeast Arizona*, 14 FCC Rcd 19684 (Wireless Tel. Bur. 1999); *AirCell, Inc. and Western Wireless Corp.*, 15 FCC Rcd 1639 (Wireless Tel. Bur. 1999); *AirCell, Inc., California RSA No. 3, Limited Partnership, d/b/a Golden State Cellular, and Douglas Telecommunications, Inc.*, Order, DA 00-1606 (released July 19, 2000).

2/ *AirCell, Inc., Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule*, Memorandum Opinion and Order, FCC 00-188

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Waiver Order, as modified and clarified by the *AirCell Recon. Order*; see also *AirCell Review Order*, ¶ 40.

In support of this waiver petition, AirCell and **Cable & Communications Corporation dba Mid-Rivers Cellular** submit as follows:

(1) **Cable & Communications Corporation dba Mid-Rivers Cellular** intends to participate in the AirCell system, and to operate with AirCell mobile units on a secondary basis, in precisely the same manner as the licensees that have already received waiver authority, as described in the *AirCell Orders*, and the other AirCell submissions in the record of those proceedings.

(2) **Cable & Communications Corporation dba Mid-Rivers Cellular** agrees to the terms of the *AirCell Waiver Orders*, including operation of the AirCell mobile units on a secondary basis pursuant to the conditions set forth in the Appendix of the *AirCell Review Order*.

(3) The legal basis for this waiver is identical to that for the *AirCell Orders*.

(4) The special or unique circumstances justifying this waiver are identical to those that justified the *AirCell Orders*.

(5) The public interest benefits justifying this waiver are identical to those that justified the initial *AirCell Orders*.

(released June 9, 2000) (*"AirCell Review Order"*). We hereafter refer to all of the orders cited in notes 1 and 2 as the "*AirCell Orders*."

AirCell and Cable & Communications Corporation dba Mid-Rivers Cellular
respectfully request that this waiver petition be granted expeditiously.
Respectfully submitted,

William Gordon
AirCell, Inc.

VP, Regulatory Affairs
Title

Mary Anderson
Cable & Communications Corporation dba Mid-Rivers Cellular
General Manager
Title

Dated: November 6, 2003

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